REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicant notes that the Examiner is silent with respect to the status of claims 75-81. However, based on the election previously filed in this application, and the fact that the Examiner made the restriction requirement final, Applicant believes that claims 76-81 have been withdrawn from further consideration at the present time. The Examiner is respectfully requested to confirm the status of claims 76-81 in the next official communication.

Applicant also thanks the Examiner for indicating that claims 53, 54, 72 and 73 are objected to, but would be allowable if they are amended to be presented in independent form, including all the limitations of the base claim and any intervening claims. In view of the current amendment, Applicant has elected to retain the objected claims in independent form. However, Applicant reserves the right to amend these claims to place them in independent form at a later time.

The Examiner noted certain informalities in claims 1 and 58, and required correction thereof. By the current amendment, Applicant has amended the pending claims (and not just claims 1 and 58), paying particular attention to the concerns raised by the Examiner. In view of the present amendment, Applicant submits that the grounds for the claim objections no longer exist, and respectfully request that this objection be withdrawn.

Claim 4 stands objected to under 35 U.S.C. §112, first paragraph. Applicant respectfully traverses this ground of rejection, submitting that claim 4 complies with the enablement requirement. Specifically, Applicant submits that the feature of claim 4 is described, for example, at pages 53 and 54 of Applicant's specification, and such description is provided in such a manner that one skilled in the art would be able to make and/or use the claimed invention. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

Claims 2-7, 12-16, 29 and 30 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicant respectfully traverses this ground of rejection, submitting that the claims are not inconsistent with respect their independent claim. In particular, Applicant submits that the independent claims refer to an interactive operation, whereas claims 2-7, 12-16, 29 and 30 refer to contents of service. Applicant submits that the Examiner is confusing these two features. Accordingly, Applicant submits that there is no inconsistency with respect to claims 2-7, 12-16, 29 and 30, and respectfully request that this ground of rejection be withdrawn.

Applicant respectfully traverses the 35 U.S.C. §102(e) rejection set forth against claims 1-4, 7, 9, 12-14, 27-29, 32-36, 38, 50-52, 56-64 and 75 as being anticipated by U.S. Patent 6,628,713 to KITSUKAWA et al.

According to a feature of the claimed invention, the playback mode includes a special playback mode, such as a cue, and the reproducer does not

carry out (perform) the interactive operation in the special playback mode. Applicant submits that at least this feature is not disclosed or even suggested by KITSUKAWA et al. As disclosed at, for example, column 2. lines 20-23, KITSUKAWA et al. is directed to advertising information provided for items comprising products and services used in scenes of live and pre-recorded television programs. A stored advertisement mode results in the storing of the advertising information for presentation at a later time. The advertising information for a particular item may be selected (or requested) when a viewer selects an indicator corresponding to the item that the viewer is interested in. The stored advertising information may then be recalled and viewed at a time that is different from the display time of the scene in which the corresponding item appears (see, for example, column 7).

Applicant submits that KITSUKAWA et al. does not disclose/suggest Applicant's special playback mode operation. Further, Applicant submits that KITSUKAWA et al. does not disclose or suggest stopping an interactive operation based on advertisement information in the special playback mode, as is taught by Applicant's claimed invention.

Accordingly, Applicant submits that KITSUKAWA et al. does not provide Applicant's advantage of avoiding an inconsistency between the original image and the image for performing the operations in accordance with control data for performing interactive operations in the special playback mode. This advantage is obtained in the instant invention by having the playback mode include a special

playback mode, in which the reproducer does not carry out (does not perform) the interactive operation in the special playback mode.

Further, Applicant's invention teaches (and is recited in, for example, claim 2) that the normal playback stream and the special playback stream are recorded, and the contents of the services are reproduced in accordance with the special playback stream in the special playback mode. As a result, the process load can be reduced during the special playback mode. Applicant submits that this feature is also not taught or suggested by KITSUKAWA et al.

Still further, Applicant's invention teaches (and is recited in, for example, claim 4) that the stream for the special playback, which contains an image for performing operations and does not contain a control command, is generated. As a result, any inconsistency with the picture is avoided while displaying the image to perform operations in the special playback mode. Applicant submits that this feature is also not taught or suggested by KITSUKAWA et al.

In view of the above, Applicant submits that the present invention, as defined by claims 1-4, 7, 9, 12-14, 27-29, 32-36, 38, 50-52, 56-64 and 75 are not obvious in view of KITSUKAWA et al., as the applied reference fails to disclose each and every feature of Applicant's claimed invention. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §102 rejection.

Applicant also respectfully traverses the Examiner's 35 U.S.C. §103 rejection of claims 5, 6, 15, 16, 30-31, 65-71 and 74, as being obvious over KITSUKAWA et al. As discussed above, KITSUKAWA et al. fails to disclose

several features of Applicant's claimed invention. Further, such non-disclosed features are not suggested by KITSUKAWA et al. In this regard, Applicant notes that the Examiner acknowledges that the applied reference fails to disclose (a) detecting upgraded information and suspending operations, as recited in claims 5, 15 and 30; (b) outputting a signal to notify a suspension to an operator, as recited in claims 6, 16 and 31; (c) a pause mode, with the suspension of the display of the image, continuing to display the image, and re-starting of the interactive operation, as recited in claims 65-71; and (d) carrying out processing of an external communication, as recited in claim 74. However, the Examiner asserts official notice to assert that these features are well known. Applicant submits that such features are not obvious in the applied context, and wonders why, if such features are obvious, the Examiner was unable to cite any document, in the same technological area, that discloses above-features (a)–(d). Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103 rejection. Should the Examiner wish to continue to reject these claims under 35 U.S.C. §103, the Examiner is respectfully requested to make reference to at least one prior art document in the same technological area as the present invention that discloses the features the Examiner asserts are obvious.

SUMMARY AND CONCLUSION

In view of the fact that the applied art of record fails to disclose or suggest the present invention as defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and

allowance of the present application are respectfully requested and is believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extension of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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January 23, 2005
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